

Message Text

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ACTION SS-25

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC NIACT IMMEDIATE 440

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EXDIS

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13TH AF CC, 13TH AF CU UTAPAO, COMUSMACTHAI

E.O. 11652: GDS

TAGS: MILI, PFOR, TH

SUBJECT: U.S. RESIDUAL FORCES IN THAILAND

REF: STATE 064280

SUMMARY. AMBASSADOR CALLED ON MFA UNDER SECRETARY ANAN, IN
ABSENCE CHATCHAI WHO IS OUT OF TOWN, MARCH 17, AND CARRIED
OUT INSTRUCTIONS REFTEL, ACCEPTING THAI PRINCIPLE 1 SUBJECT TO
THAI ACCEPTANCE OF ONE OF THE THREE U.S. VERSIONS OF PRINCIPLE 6.
ANAN WAS UNABLE TO ACCEPT ANY OF OUR VERSIONS OF PRINCIPLE 6
VERBATIM, BUT WILL COUNTERPROPOSE A REVISED VERSION OF
FALLBACK 2.

ANAN ALSO MADE PROPOSALS FOR CERTAIN CHANGES IN OTHER
U.S.-DRAFTED PRINCIPLES. BOTH SIDES STRESSED SHORTNESS OF
TIME REMAINING BEFORE MARCH 20, WITH ANA SAYING FRIDAY EVENING,
MARCH 19, WOULD BE POINT AT WHICH RTG WOULD HAVE TO DECIDE
WHAT TO ANNOUNCE FOLLOWING DAY. AMBASSADOR STRESSED HIS
CONTINUING WISH TO TALK WITH PRIME MINISTER. END SUMMARY.

1. ACTING ON INSTRUCTIONS CONTAINED REFTEL, AMBASSADOR,
ACCOMPANIED BY DCM AND POMIL COUNSELOR, CALLED ON MINISTRY
OF FOREIGN AFFAIRS UNDER SECRETARY ANAN PANYARACHUN MORNING OF
MARCH 17. ANAN HAD WITH HIM POLITICAL AFFAIRS DIRECTOR
GENERAL KOSON SINTHAWANON, AND AMERICAN DESK CHIEF

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WORAPHUT CHAIYANAM. AN MFA LEGAL ADVISER JOINED THE MEETING LATER.

2. THE AMBASSADOR OPENED BY SAYING THAT HE HAD RECEIVED FURTHER INSTRUCTIONS FROM WASHINGTON. WASHINGTON HAD REAFFIRMED ITS STRONG WISH THAT THE AMBASSADOR DISCUSS THE RESIDUAL FORCES QUESTION WITH THE PRIME MINISTER. AT THE SAME TIME, WASHINGTON WAS CONSCIOUS OF THE RTG'S DOMESTIC POLITICAL PROBLEMS, PARTICULARLY IN A PRE-ELECTION SITUATION, AND WAS TRYING TO BE AS HELPFUL AND FLEXIBLE AS POSSIBLE GIVEN OUR OWN DOMESTIC POLITICAL CONSTRAINTS.

3. THE MEETING THEN PASSED ON TO DISCUSSION OF PRINCIPLES 1 AND 6. THE AMBASSADOR SAID THAT THE U.S. WOULD ACCEPT THE THAI VERSION OF PRINCIPLE 1 SUBJECT TO THE RTG'S ACCEPTANCE OF ONE OF THE THREE U.S. VERSIONS OF PRINCIPLE 6.

4. ANAN SAID THAT EVEN IF AGREEMENT WERE REACHED ON PRINCIPLES 1 AND 6, THESE WERE ONLY PART OF THE TOTAL PRINCIPLES PACKAGE, WHICH HAD TO STAND OR FALL AS A WHOLE. HE NEVERTHELESS AGREED TO DISCUSS PRINCIPLES 1 AND 6 ON THE UNDERSTANDING THAT AGREEMENT ON THOSE PRINCIPLES WOULD BE SIGNIFICANT ONLY IN THE CONTEXT OF AGREEMENT ON ALL THE PRINCIPLES.

5. THE AMBASSADOR NOTED THAT IT WAS ANAN HIMSELF WHO HAD PREVIOUSLY INSISTED THAT PRINCIPLE 1 WAS THE CRUX OF THE ISSUE AND HAD RESISTED DISCUSSION OF OTHER MATTERS PENDING AGREEMENT ON THAT PRINCIPLE.

6. AFTER RESTATING HIS INSISTENCE THAT ALL THE PRINCIPLES HAD TO BE TREATED AS A WHOLE, ANAN MADE COMMENTS ON PRINCIPLE 6. HE REJECTED THE PREFERRED U.S. VERSION OUT-OF-HAND AND SAID THAT ALTERNATIVE 1 ALSO APPEARED UNACCEPTABLE. WITH REGARD TO ALTERNATIVE 2, HE SAID THAT ITS ACCEPTANCE BY THE RTG WOULD REQUIRE THE ADDITION OF A TIME ELEMENT SO AS TO MAKE IT CONSISTENT WITH STATEMENTS VARIOUS TOP LEVEL RTG OFFICIALS HAD BEEN MAKING TO THE PUBLIC. HE TOOK PAINS TO EXPLAIN THAT THE RTG ATTACHED GREAT IMPORTANCE TO THE CONCLUSION OF AN AGREEMENT AND DID NOT WISH ITS MOTIVES TO BE MISUNDERSTOOD. IT HIGHLY VALUED ITS FRIENDSHIP WITH THE U.S. BUT THE THAI PUBLIC WAS AWARE THAT ALL PREVIOUS AGREEMENTS

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HAD BEEN SECRETELY MADE UNDER DUBIOUS CIRCUMSTANCES. THE RTG, WHICH WAS NOW A DEMOCRATIC CIVILIAN REGIME, WANTED NEW AGREEMENTS TO BE CONCLUDED IN AN OPEN MANNER THAT TOOK THE PUBLIC INTO ITS CONFIDENCE. THEREFORE, WHATEVER AGREEMENT MIGHT BE REACHED SHOULD BE ABLE TO BE EXPLAINED TO THE PUBLIC AND RECONCILED WITH PREVIOUS STATEMENTS OF THE RTG.

7. TAKING UP THE TEXT OF THE U.S. ALTERNATIVE 2, ANAN ASKED

WHAT THE U.S. HAD IN MIND IN ITS REFERENCE TO "PRIVILEGES AND IMMUNITIES CUSTOMARILY ACCORDED UNDER INTERNATIONAL LAW TO THE TECHNICAL AND ADMINISTRATIVE PERSONNEL OF FOREIGN EMBASSIES." THE DCM EXPLAINED THAT THESE WERE PRIVILEGES AND IMMUNITIES AS CONTEMPLATED BY THE VIENNA CONVENTION. THE U.S. RECOGNIZED THAT THAILAND HAD NOT YET COMPLETED ITS RATIFICATION OF THE VIENNA CONVENTION BUT FELT THAT THE PROVISIONS OF THE CONVENTION COULD NONETHELESS BE USED AS COMMONLY ACCEPTED STANDARDS. ANAN REPLIED THAT THIS APPROACH PRESENTED DIFFICULTIES FOR THE THAI. THE RTG WAS PREPARED TO ACCORD A CERTAIN LEVEL OF PRIVILEGES AND IMMUNITIES TO THE U.S. RESIDUAL FORCE, BUT COULD NOT TREAT THEM AS HAVING DIPLOMATIC RANK. THEIR STATUS SHOULD BE SOMEWHERE BETWEEN THAT OF DIPLOMATIC PERSONNEL AND FOREIGN TECHNICIANS.

8. THE DCM EXPLAINED THAT THE U.S. VISUALIZED THE STATUS OF TECHNICAL AND ADMINISTRATIVE PERSONNEL UNDER THE VIENNA CONVENTION, RATHER THAN DIPLOMATIC AGENTS.

9. ANAN THEN ASKED WHETHER THE STATUS OF ADMINISTRATIVE AND TECHNICAL PERSONNEL UNDER THE VIENNA CONVENTION WAS COMPARABLE TO THAT PRESENTLY GRANTED BY THE THAI TO PERSONNEL OF UN AGENCIES. THE DCM REPLIED THAT THE U.S. WAS NOT IN A POSITION TO SPEAK TO THE QUESTION OF HOW THAILAND TREATED UN PERSONNEL, AND ANAN DID NOT PURSUE THE POINT.

10. CONCLUDING HSI DISCUSSION OF THE SECOND SENTENCE OF PRINCIPLE 6, ALTERNATIVE 2, ANAN SAID THAT THE MFA WOULD HAVE TO STUDY IT FURTHER. HE THOUGH THERE WAS A POSSIBILITY THAT THE THAI COULD CONSIDER IT SYMPATHETICALLY. HE THEN REVERTED TO DISCUSSION OF THE FIRST SENTENCE, AND PROPOSED THAT THE PHRASE, "WITHIN THREE MONTHS" BE INSERTED AFTER THE WORD "CONCLUDED," THUS PUTTING A THREE-MONTH LIMIT ON THE
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NEGOTIATION OF A NEW AGREEMENT ON PRIVILEGES AND IMMUNITIES. THE AMBASSADOR ARGUED THAT NEGOTIATION OF A COMPLEX AGREEMENT OF THIS SORT MIGHT WELL TAKE MORE THAN THREE MONTHS AND SUGGESTED INSTEAD THE PHRASE, "WITHIN A SHORT PERIOD OF TIME," THUS PUTTING NO NEW DEADLINES ON THE NEGOTIATION. ANAN REJECTED THIS.

11. DISCUSSION OF PRINCIPLE 6. ENDED WITH THE UNDERSTANDING THAT THE THAI WERE PROPOSING THE INSERTION OF "WITHIN THREE MONTHS" IN THE FIRST SENTENCE OF U.S. ALTERNATIVE 2 AND WOULD, HOPEFULLY DURING THE COURSE OF THE AFTERNOON OF MARCH 17, SUBMIT A SPECIFIC PROPOSAL ON THE SECOND SENTENCE OF U.S. ALTERNATIVE 2. (SEE SEPTTEL).

NOTE BY OC/T: NOT PASSED ABOVE ADDRESSEES.

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12. ANAN WAS OBVIOUSLY WORRIED OVER THIS DISCUSSION AND OVERTOOK THE AMBASSADOR AT THE ELEVATOR AFTER THE MEETING TO BE CERTAIN IT WAS CLEARLY UNDERSTOOD THAT THE CHANGES PROPOSED BY THE THAI WERE AIMED PURELY AT GETTING OVER THE IMMEDIATE PROBLEM OF HIATUS IN THE STATUS OF U.S. PERSONNEL AS OF MARCH 20, BUT DID NOT COMMIT THE THAI EITHER TO ACCEPT THE VIENNA CONVENTION APPROACH FOR MORE THAN 90 DAYS, OR TO VIENNA CONVENTION-BASED PROVISIONS IN ANY NEW AGREEMENT THAT SHOULD BE NEGOTIATED DURING THE 90-DAY PERIOD.

13. ON PRINCIPLES 2 AND 3, ANAN SAID THAT THE RTG COULD CONSIDER THE U.S. PROPOSALS FAVORABLY. THERE WAS NO DISCUSSION.

14. TURNING TO U.S. PRINCIPLE 4, ANAN OBSERVED THAT THIS CHANGED THE THAI CONCEPT OF COOPERATION. THE THAI APPROACH WAS TO PUT STRESS UPON THE REPLACEMENT OF U.S. PERSONNEL BY THAI. SINCE THE THAI REALISTICALLY RECOGNIZED THEIR OWN LIMITATIONS IN MONEY AND MANPOWER, THEY HAD NOT SPECIFIED A TIME AFTER WHICH TOTAL REPLACEMENT WOULD HAVE BEEN ACHIEVED, BUT THEY NONETHELESS WISHED A NON-SPECIFIC TIME ELEMENT TO APPEAR SO AS TO SHOW THE PUBLIC THAT THE U.S. STAY WAS NOT INDEFINITE. THE DCM RECALLED THAT THIS APPROACH HAD BACKFIRED AT TIMES IN THE PAST WHEN THE RTG HAD FOUND ITSELF BOXED IN BY ITS OWN STATEMENTS.

15. ANAN WAS ASKED THE MEANING OF THE TERM "RAPID REPLACEMENT" IN THE THAI DRAFT, AND IT WAS POINTED OUT TO HIM THAT UNCERTAINTY AS TO THE TENURE OF U.S. PERSONNEL AT RAMASUN,

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FOR EXAMPLE, GREATLY COMPLICATED CERTAIN INVESTMENT DECISIONS THAT HAD TO BE MADE WITH A VIEW TOWARD REDUCING THE NUMBERS OF U.S. PERSONNEL. ANAN EXPLAINED THAT THE THAI DID NOT REALLY EXPECT THAT TOTAL REPLACEMENT WOULD OCCUR. HE THOUGHT THAT U.S. PERSONNEL WOULD REMAIN AT RAMASUN UNTIL SUCH TIME AS RAMASUN NO LONGER SERVED THE MUTUAL INTERESTS OF THE TWO COUNTRIES, WHEREUPON IT WOULD CLOSE AND ALL U.S. PERSONNEL WOULD DEPART. HE NONETHELESS AGREED TO CONSIDER REPLACING THE WORD "RAPID" IN THE THAI DRAFT, AND AFTER SOME DISCUSSION SUGGESTED THE FOLLOWING REFORMULATION OF THAI PRINCIPLE 4: "ON-THE-JOB TRAINING PROGRAMS SHALL BE URGENTLY UNDERTAKEN WITH THE VIEW TO THE EVENTUAL REPLACEMENT OF AMERICAN PERSONNEL OPERATING THE FACILITY BY THAI PERSONNEL." THE AMBASSADOR AGREED TO SUBMIT THIS PROPOSAL TO WASHINGTON.

16. U.S. PRINCIPLE 5 WAS NEXT DISCUSSED AND ANAN EXPLAINED THAT THE REFERENCE TO "SUBSEQUENT INCREASES" GAVE THE RTG A PROBLEM SINCE THE WHOLE THRUST OF THE THAI ITS POSITION WAS TOWARD REDUCTION AND EVENTUAL COMPLETE WITHDRAWAL OF U.S. PERSONNEL. HE ASSERTED THAT THE THAI PRINCIPLE 5 SHOULD BE SATISFACTORY TO BOTH SIDES, SINCE IT DID NOT EXCLUDE THE POSSIBILITY OF INCREASES BUT ALSO DID NOT REFER EXPLICITLY TO THAT POSSIBILITY. IT WAS AGREED THAT ANAN'S COMMENTS WOULD BE SUBMITTED TO WASHINGTON.

17. PASSING ON TO PRINCIPLE 7, AND ONCE AGAIN REFERRING TO THE NEW ENVIRONMENT IN THAILAND AND THE NEED FOR MORE OPENNESS AND HONESTY WITH THE PUBLIC, ANAN ARGUED THAT THIS MADE A MORE FREQUENT REVIEW DESIRABLE THAN THAT IN THE U.S. POSITION.

18. THE AMBASSADOR POINTED OUT THAT THE KIND OF COMMITMENT REQUIRED BY THE U.S. TO CONTINUE OPERATIONS AT INSTALLATIONS SUCH AS RAMASUN, FOR EXAMPLE, COULD HARDLY BE MADE UNLESS THERE COULD BE SOME ASSURANCE OF REASONABLE TENURE.

19. ANAN ARGUED THAT THE THAI APPROACH ACCORDED A TENURE OF NOT LESS THAN TWO YEARS, BUT THE AMBASSADOR POINTED OUT THAT THIS WAS NOT THE CASE, AND THAT INDEED THE THAI PRINCIPLE 7 MADE IT POSSIBLE FOR AGREEMENTS TO BE ANNULLED THE DAY AFTER THEIR SIGNATURE. HE PRESSED FOR A ONE YEAR DENUNCIATION CLAUSE;

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BUT ANAN REJECTED IT.

20. THE AMBASSADOR CONTINUED TO INSIST THAT SOME SPECIFIC TENURE NEEDED TO BE GUARANTEED, AND ANAN AGREED TO CONSIDER A THREE-MONTH NOTICE-OF-DENUNCIATION PROVISION, CITING THE 1950 MILITARY ASSISTANCE AGREEMENT AS A PRECEDENT. THE DCM POINTED OUT THAT THE SEVEN PRINCIPLES IN EFFECT THREW OUT THE 1950 AGREEMENT AS THE BASIS FOR THE STATUS OF MOST OF THE RESIDUAL FORCE. ANAN CONCEDED THIS BUT FELL BACK ON HIS OFTEN STATED VIEW THAT THE U.S. RESIDUAL PRESENCE DEPENDED IN ANY CASE UPON MUTUALITY OF INTEREST IN ITS CONTINUATION.

21. THE POMIL COUNSELOR POINTED OUT TO ANAN THAT HE HIMSELF EARLIER IN THE CONVERSATION HAD ASSERTED THAT THE THAI MILITARY SAW LITTLE THAI INTEREST IN RAMASUN AND THAT RAMASUN WAS IMPORTANT ONLY TO THE U.S. ANAN RESPONDED THAT THIS WAS PLACING TOO NARROW A CONSTRUCTION ON THE WORD "INTEREST." THE INTEREST OF THE THAI WAS IN COOPERATION WITH THE U.S., AND THIS WAS INTABILE.

22. IT WAS AGREED THAT THAI PRINCIPLE 7 WITH THE ADDITION OF A THREE-MONTH DENUNCIATION CLAUSE WOULD BE SUBMITTED TO WASHINGTON.

23. DISCUSSION THEN TURNED TO THE PROBLEM RAISED BY THE CRITICALLY SHORT TIMEFRAME REMAINING TO CONCLUDE AN AGREEMENT ON THE SEVEN PRINCIPLES. ANAN SAID THAT AS OF FRIDAY EVENING, MARCH 19, THE THAI WOULD HAVE TO DECIDE WHICH OF TWO ANNOUNCEMENTS THEY WOULD MAKE ON SATURDAY, MARCH 20. ONE OF THEM WOULD BE THE ANNOUNCEMENT MADE IN THE EVENT AGREEMENT HAD BEEN REACHED, AND THE OTHER IF NOT.

24. THE AMBASSADOR PROBED ANAN HARD ON WHETHER THERE WAS ANY GIVE IN THE MARCH 20 DEADLINE. HE ARGUED THAT THERE WAS A THIRD POSSIBILITY IN ADDITION TO SUCCESS OR FAILURE. THE THAI COULD ANNOUNCE THAT NEGOTIATIONS WERE PROCEEDING SATISFACTORILY AND THAT AN EARLY CONCLUSION WAS LOOKED FOR. HE POINTED OUT THE MECHANICAL PROBLEMS STEMMING FROM THE TIME LAG BETWEEN BANGKOK AND WASHINGTON. ANAN CONCEDED ONLY THAT THE THAI HAD A CHOICE OF TIMES ON MARCH 20 AT WHICH TO MAKE THEIR ANNOUNCEMENT, AND THAT IF PROGRESS WERE BEING MADE, THEY

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COULD POSTPONE IT UNTIL LATER IN THE DAY. MARCH 20 ITSELF, HOWEVER, WAS A DEADLINE TO WHICH THE PRIME MINISTER AND THE FOREIGN MINISTER WERE PUBLICLY COMMITTED AND IT COULD NOT BE ALTERED.

25. THE AMBASSADOR AGAIN REMINDED ANAN THAT HE WAS UNDER INSTRUCTIONS TO SEE THE PRIME MINISTER. HE NOTED THAT HE WOULD BE LEAVING EARLY THURSDAY MORNING, MARCH 18, FOR CHIANG MAI

ON THE LONG-STANDING INVITATION OF THE KING TO SPEND THE DAY
WITH THE KING AND QUEEN, RETURNING FRIDAY MORNING, MARCH 19.
HE URGED THAT THE THAI SUGGESTIONS ON PRINCIPLE 6 ALTERNATIVE 2
BE PASSED TO HIM BY THIS AFTERNOON, MARCH 17, AND SAID THAT
MINISTER MASTERS COULD CONTINUE NEGOTIATIONS THE FOLLOWING
DAY IN HIS ABSENCE.

26. WE WILL SUBMIT THE THAI PROPOSALS ON PRINCIPLE 6 BY
NIACT IMMEDIATE TELEGRAM AS SOON AS RECEIVED. IN THE MEANTIME,
THE DEPARTMENT WILL WISH TO STUDY THE THAI PROPOSALS ON
PRINCIPLES 4, 5, AND 7.
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